

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, MAY 11, 2004
AT 9:00 A.M.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Building Industry Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 817074

DCA Assigned: John Mullen

This case involves a challenge to the City Council's decision on June 3, 2003, to adopt the Inclusionary Housing Ordinance [the Ordinance], codified at Chapter 14, Article 2 of the San Diego Municipal Code [SDMC]. Plaintiff Building Industry Association challenges the validity of the Ordinance on several grounds, including claims that the Ordinance authorizes an illegal exaction, unlawfully delegates legislative power, and impairs the vested property rights of land owners. The case is set for trial on July 16, 2004. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiffs' most recent offer to settle the case.

CS-2 *Chargers Football Company, LLC v. City of San Diego*
Los Angeles Superior Court Case No. BC 306758

ACA Assigned: Leslie J. Girard

This matter concerns the litigation filed by the San Diego Chargers [Chargers] against the City of San Diego [City], and the City's related cross complaint against the Chargers, over the validity of the "trigger" notice delivered to the City by the Chargers in March of 2003 pursuant to the 1995 agreement for the use of Qualcomm Stadium [1995 Agreement]. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation and the status of any additional discussions with the Chargers concerning the term sheet authorized by the City Council on April 26, 2004, to be conveyed to the Chargers. The City Council may give further direction to its attorneys and consultants with regard to the matter.

CS-3 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191

DCA Assigned: Carrie Gleeson

This matter concerns the litigation filed by the De Anza Cove Homeowners Association [HOA] against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation and request direction on a settlement offer presented by the HOA.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-4 Property: Qualcomm Stadium

City Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., and Daniel S. Barrett

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens' Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

This matter involves negotiations authorized by the City Council in March of 2003 between the City of San Diego [City] and San Diego Chargers [Chargers] regarding the Qualcomm Stadium site, pursuant to both the recommendations of the Citizens' Task Force on Chargers Issues and the "Trigger Notice" sent to the City by the Chargers in March of 2003.

In closed session, the City's negotiating team will report to the City Council on the status of any discussion with the Chargers concerning the term sheet authorized by the City Council on April 26, 2004, to be conveyed to the Chargers.

Please see the description on the closed session agenda under "pending litigation" — *Chargers Football Company, LLC v. City of San Diego* for a description of a related matter.